

REMARKS

Claims 1-9 are pending in the present application. In the Office Action of August 8, 2007, claims 1-4 and 8-9 stand rejected under 35 U.S.C. §102(b) as being assertedly anticipated by U.S. Patent No. 3,887,814 to Faulhaber ("Faulhaber"). Claims 5-7 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Furthermore, the Office Action notes that Applicant must include a copy of the formal drawings in the Response.

As a preliminary matter, Applicant submits herewith formal drawings in satisfaction of the requirement in the Office Action.

Additionally, Applicant submits the foregoing amendment to the claims. Claim 5 is amended to correct claim dependency consistent with U.S. practice and procedures. New claims 10-12 are presented for consideration. Claim 10 includes the subject matter of claim 5, rewritten in independent form. Each of new claims 11 and 12 depends from claim 10. As such, new claims 10-12 are submitted to be in proper condition for formal allowance.

Turning now to the rejection of claim 1 under 35 U.S.C. §102(b) as being assertedly anticipated by Faulhaber, Applicant respectfully traverses the position taken in the Office Action. Faulhaber discloses a yarn inspection system for characterizing slub yarn, which refers generally to fancy yarn in which slubs may be deliberately created to produce a desired effect. Functionality of the yarn inspection system may be summarized with reference to Fig. 2 of Faulhaber. The yarn diameter is measured by a transducer 21, the signal of which is provided to zero reference circuit 20. The output signal A is zero until the yarn diameter changes. This deviation signal is generated by determining the average diameter using integrator circuit 24 and feeding back the average value to the input of the zero reference circuit. As a slub should not

influence the average diameter, the integration is turned off by switch 26 when a slub is detected. If the signal A deviates from zero, or more precisely, exceeds a predetermined value defined by voltage source 28, the output signal B of slub yarn discriminator 27 changes its polarity, which indicates the beginning of a slub. When signal A returns to zero, the end of the slub is recognized. Signal B is input to slub length discriminator circuit 41. Counter 40 is increased by the slub length discriminator circuit when the slub length exceeds a minimum length. Slub discriminator 27' has the same structure as discriminator 27, but the deviation signal A is reduced by potentiometer 33 before being provided to discriminator 27'. In this way, discriminator 27' is able to detect unacceptably thick slubs, referred to as slugs. Depending on the construction of network 48, every slug is registered by counter 39 or only the slugs with related slubs that exceed a minimum length. Additionally, voltmeter 58 shows the total length of slubs, and voltmeter 53 shows the base yarn diameter variations excluding slubs.

In accordance with the present invention and in substantial contrast to Faulhaber, a specifiable number of the largest diameters are determined between the beginning and end of the effect. An average is formed from these determined diameters, which is specified as the diameter of the effect. With specific reference to the embodiment disclosed in Fig. 3 of Applicant's specification, the specifiable number of the largest diameters may be set to four. The curve 10 illustrates the yarn diameter over the yarn length. Between the beginning and the end of the effect, several maxima of the diameter may be seen. In this embodiment, the four largest diameters are determined. These four diameters are used for calculating an average value, which represents the effect diameter or the effect thickness. This value closely approximates the actual configuration and, together with the determined effect length, provides reliable information about the quality of the effect yarn.

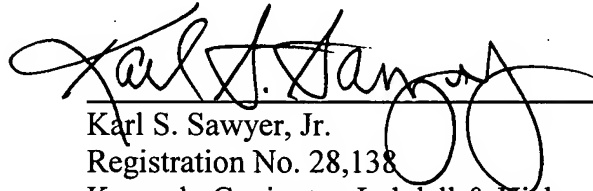
Importantly, Faulhaber does not specify or determine a diameter of an effect or slub, and, indeed, Faulhaber opts not to measure slub diameter at all. In turn, Faulhaber necessarily does not specify a number of largest diameters between the beginning and the end of an effect or slub, nor does Faulhaber determine the specifiable number of these largest diameters, as required in claim 1. Furthermore, as these values are not specifically determined, Faulhaber similarly does not form an average based on these diameters, which is also required in claim 1. Faulhaber merely determines the beginning and end of a slub and effectively counts it as a slub when a predetermined length is exceeded. As such, Applicant respectfully submits that Faulhaber fails to set forth or reasonably suggest the elements of claim 1 and, thus, Faulhaber fails to anticipate claim 1 of the present invention.

As to the rejection of dependent claims 2-4 and 8-9, because such claims depend from independent claim 1, each also meets the requirements for patentability for at least the reasons discussed hereinabove. Thus, it is respectfully submitted that the rejection of claims 2-4 and 8-9 is rendered moot.

It is not believed that any fee is required by the filing of this paper. However, if and to the extent any fees are found or deemed to be due and payable in connection with this paper or otherwise in connection with this application, such fees may be charged to deposit account 18-1215.

Accordingly, it is respectfully submitted that claims 1-12 are in condition for formal allowance. An early notice to that effect is earnestly solicited. Should there be any additional concerns regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,



Karl S. Sawyer, Jr.
Registration No. 28,138
Kennedy Covington Lobdell & Hickman; LLP
Hearst Tower, 47th Floor
214 N. Tryon Street
Charlotte, NC 28202
Telephone (704) 331-5792
-- Attorney for Applicant